

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM DAULTON,	)	
	)	
Petitioner,	)	Civil Action No. 22-337
	)	
v.	)	Magistrate Judge Maureen P. Kelly
	)	
JOHN RIVELLO, <i>Superintendent</i> ; and	)	Re: ECF No. 20
THE ATTORNEY GENERAL OF	)	
PENNSYLVANIA; <i>and</i>	)	
THE DISTRICT ATTORNEY OF	)	
ALLEGHENY COUNTY,	)	
	)	
Respondents.	)	

**ORDER**

Petitioner William Daulton (“Petitioner”) is a state prisoner currently incarcerated at the State Correctional Institution at Huntingdon (“SCI-Huntingdon”) in Huntingdon, Pennsylvania. Petitioner submitted a Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (the “Petition”), which was received by this Court on February 23, 2022. ECF No. 1. Respondents submitted an Answer to the Petition on June 6, 2022. ECF No. 11.

On August 26, 2022, this Court received Petitioner’s Reply Motion to Strike Respondent’s Motion to Dismiss and Answer. ECF No. 20. While it is difficult to follow, this document appears to serve double-duty as a traverse to the Answer, see id. at 5, and as a motion to strike the Answer, see id. at 1.

As to the former, this Court will give full consideration to Petitioner’s filing, along with the other filings in this matter and the state court records underlying Petitioner’s criminal case, as it adjudicates the Petition in due course.

As to the latter, Petitioner seeks to strike the Answer because he alleges that it is “sham and false[.]” Id.

Federal Rule of Civil Procedure 12(f) provides that a court “may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” Fed. R. Civ. P. 12(f). “The purpose of a motion to strike is to clean up the pleadings, streamline litigation, and avoid unnecessary forays into immaterial matters.” McInerney v. Moyer Lumber & Hardware, Inc., 244 F. Supp. 2d 393, 402 (E.D. Pa. 2002). Motions to strike “are not favored and usually will be denied unless the allegations have no possible relation to the controversy and may cause prejudice to one of the parties.” Id.

This Court has reviewed the Traverse and the Answer, and finds no basis to strike the Answer. Therefore, given the strict standards for consideration of a motion to strike, this request for relief is denied.

In accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules of Court, the parties are allowed fourteen (14) days from the date of this Order to file an appeal to the District Judge which includes the basis for objection to this Order.

Any appeal is to be submitted to the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Failure to file a timely appeal will constitute a waiver of any appellate rights.

Dated: August 31, 2022

BY THE COURT:

/s/ **Maureen P. Kelly**  
MAUREEN P. KELLY  
UNITED STATES MAGISTRATE JUDGE

cc: WILLIAM DAULTON  
MG7618  
SCI HUNTINGDON  
1100 PIKE STREET  
HUNTINGDON, PA 16652